

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



Patent Public Advisory Committee Quarterly Meeting

Legislative Update

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Director, Office of Governmental Affairs

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Patent legislation – Comprehensive Bills – 114th Congress

H.R. 9 - the “Innovation Act” - Goodlatte (R-VA-6) and 22 bipartisan cosponsors. A bill targeting abusive patent litigation and making corrections and improvements to the AIA.

- Introduced 2-5-15 and referred to the House Judiciary Committee.
- Several hearings held; U/S Lee testified at 4-14-15 full committee hearing.
- Judiciary Committee approved on 24-8 vote 6-11-15.

S. 1137 – the “Protecting American Talent and Entrepreneurship (PATENT) Act” - Grassley (R-IA) and cosponsors Leahy, Cornyn, Schumer, Hatch, Lee and Klobuchar. A Senate companion bill targeting abusive patent litigation and making corrections and improvements to the AIA.

- Introduced 4-29-15 and referred to Senate Judiciary Committee.
- Tracks Cornyn-Schumer compromise crafted in May of 2014 before bill was pulled from committee consideration.
- Hearing held 5-7-15.
- Judiciary Committee approved on 16-4 vote 6-4-15.

S. 632 – the “Support Technology and Research for Our Nation’s Growth (STRONG) Act” – Coons (D-DE) and cosponsors Durbin and Hirono. A Senate Democratic alternative to S. 1137.

- Introduced 3-3-15 and referred to Senate Judiciary Committee.
- Focus on IPR reform, USPTO funding and demand letters.

Patent Legislation – Recent Developments and Status

- Legislation appears stalled for now.
- Floor Action dependent on resolution of various issues:
 - Judiciary Chairmen: legislation must address IPR Concerns
 - BIO/PhRMA request exemption from IPR proceedings
 - Senate Judiciary has crafted compromise language on IPR/Reexam
 - Reverse Payment Ban proposal
- Lobbying and Pro and Con Advertising Continues

THURSDAY, JULY 9



**PATENT TROLLS EXTORT ENTREPRENEURS.
CONGRESS CAN MAKE THEM STOP.**

STOP PATENT EXTORTION. SUPPORT THE INNOVATION ACT AND THE PATENT ACT.

Shortly after he created the popular sleeping app "White Noise," Todd Moore's company TMSOFT was sued by a patent troll. They demanded he send money to an overseas bank account. Todd is one of the lucky entrepreneurs who fought back against patent trolls and survived. Last year patent trolls extorted nearly \$80 billion from the American economy and stifled countless innovations. Enacting patent reform legislation can shut down patent trolls once and for all. Text the word TROLLS to 52866.

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THURSDAY, OCTOBER 29, 2015 / ROUNDED 18



EXTORTION.

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all 50 states.

When it comes to patent trolls, it's all about extortion. Patent trolls attack entrepreneurs with weak claims, knowing that startups can't afford to fight back in court. Instead, they are forced to pay the troll just to go away. This is wrong.

**Shut down the extortion racket.
Support the PATENT Act in the Senate.
Support the Innovation Act in the House.**

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Source: Politico, June-Oct. 2015

uspto



Source: *Politico*, 11/10/2015



Source: *Washington Post*, 9/8/2015

uspto

Other Areas of Focus this Session (114th Congress)

- **Copyright Policy and Office Modernization Discussions**
 - House Judiciary Committee “Listening Tours” on copyright laws
 - Various Draft Proposals on Copyright Office Restructuring
 - Treaty Implementation – Marrakesh & Beijing
- **Trade Secrets Enforcement Legislation**
 - Companion legislation pending in the House and Senate: *Defend Trade Secrets Act of 2015* (H.R. 3326, S. 1890)
 - Bills would amend Title 18 §1836 to establish a private civil cause of action for the misappropriation of a trade secret
- **Oversight Activity Related to USPTO Workforce Management**
 - Possible House Government Reform and Oversight Hearing on IG Reports
- **USPTO Regional Offices and Engagement**
 - Four Offices now open! – significant interest from congressional delegations in MI, TX, CO and CA
 - Increased opportunities for outreach, education and recruiting
- **USPTO Fiscal Year 2016 Appropriations**
 - Federal government agencies operating under a continuing resolution (CR) through Dec. 11
 - Multiple issues under discussion

Questions and Comments

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